

Appl. No. 10/623,804
Amendment dated January 30, 2007
Reply to Office Action of November 3, 2006

COMMENTS AND RESPONSE

In view of the comments below, Applicant respectfully requests that the Examiner reconsider the present application including rejected claims, as amended, and withdraw the claim rejections.

Information Disclosure Statement

The applicant acknowledges and appreciates receiving an initialed copy of the form PTO-1449 that was filed on January 24, 2006.

Claim Amendment

By this response Applicant has amended claim 11 to correct a typographical error. In particular, the term "preferably has been removed from line 3.

Because this amendment is being made solely to correct a typographical error, and not in response to an art rejection, any narrowing amendment to the claims in the present response is not to be construed as a surrender of any subject matter between the original claims and the present claims; rather this is merely an attempt at providing one or more definitions of what the applicant believes to be suitable patent protection. The present claims provide the intended scope of protection that the applicant is seeking for this application. Therefore, no estoppel should be presumed, and the applicant's claims are intended to include a scope of protection under the Doctrine of Equivalents.

Appl. No. 10/623,804
Amendment dated January 30, 2007
Reply to Office Action of November 3, 2006

Claim Rejections Under 35 USC § 102

The Examiner has rejected claims 5-8 under 35 U.S.C. § 102(b) as being allegedly anticipated by United States Patent No. 5,274,665 to Schilling ("Schilling"). Applicant respectfully traverses this rejection.

However, in an effort to expedite prosecution, Applicant has amended claim 1 to recite that the first signal and the second signal each comprise a plurality of modulated pulses, and that each of the modulated pulses comprises a plurality of consecutive iterations of an oscillating signal. Nothing in Schilling discloses or suggests this feature.

In particular, nothing in Schilling discloses or suggests anything regarding the use of pulses in transmitted signals or the shape of such pulses.

Support for this amendment can be found, for example in paragraphs [0166]-[0171], and [0205], and FIG. 9. As a result, no new matter has been added by this amendment.

Therefore, based on at least the reasons given above, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1 under 35 U.S.C. § 102(b) as being allegedly anticipated by Schilling.

Claim Rejections Under 35 USC § 103

The Examiner has rejected claims 2-11 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schilling.

Claims 2-11 all ultimately depend from claim 1 and are allowable for at least the reasons given above for claim 1. What Schilling does not disclose, it likewise does not suggest. In particular, nothing in Schilling suggests that the recited first and second signals

Appl. No. 10/623,804
Amendment dated January 30, 2007
Reply to Office Action of November 3, 2006

each comprise a plurality of modulated pulses, or that each of the modulated pulses comprises a plurality of consecutive iterations of an oscillating signal.

For at least the reasons given above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 2-11 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schilling.

New Claims

By this response, Applicant has added new claims 12-20. Support for these claims can be found, for example, in paragraphs [0201]-[0208] of the specification, and FIG. 14. No new matter has been added in these new claims. Applicant respectfully requests that the Examiner enter and consider these new claims.

Conclusion

Applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicant does not concede that the cited prior art shows any of the elements recited in the claims. However, Applicant has provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples Applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, Applicant has provided examples of why the claims described above are distinguishable over the cited prior art.

Appl. No. 10/623,804
Amendment dated January 30, 2007
Reply to Office Action of November 3, 2006

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Although it is not anticipated that any additional fees are due or payable, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-1147.

Respectfully Submitted,



Brian C. Altmiller
Reg. No. 37,271

Date: January 30, 2007

Brian C. Altmiller
12040 South Lakes Drive
Suite 101
Reston, VA 20191
Phone (703) 707-9110
Fax (703) 707-9112
Customer No. 23400